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Michael Tavella
2051 Brigadier Dr.
Anchorage, AK 99507

In re application of
James Robert Allen, et al.
Application No. 10/629,153
Filed: July 29, 2003
For: ENVIRONMENTALLY SAFE SUBSTITUTE
FOR LEAD SHOT

: DECISION ON PETITION
: TO MAKE SPECIAL
: (ENVIRONMENTAL QUALITY
: OR ENERGY)

Office of the Director
Group 3300

This is a decision on the petition submitted on December 1, 2003, under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section V: Environmental Quality or Section VI: Energy.

The petition to make special based on environmental quality is **DISMISSED**.

A grantable petition to make an application special under 37 C. F. R. 1.102(c), MPEP 708.02, Section V for an invention which materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining elements-air, water and soil, must be accompanied by affidavits or declaration under 37 CFR 1.102 by the applicant or his attorney explaining how the invention contributes to the maintenance or restoration of one of these life sustaining elements.

The petition states the invention will make loading shot shells safer for the environment because the new shot replaces lead which has been banned. Additionally, the new shot produces a better shooting pattern reducing bird injury and replaces steel shot which damages gun barrels. This reason is not acceptable because it does not explain how this invention materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining natural elements, i.e. air, water and soil.

The petition to make special based on energy is **DISMISSED**.

A grantable petition to make an application special under 37 C.F.R. 1.102 (c), MPEP 708.02, Section VI for an invention which materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources must be accompanied by statements under 37 CFR 1.102 by applicant or his attorney explaining how the invention materially contributes to category (A) or (B) set forth above.

The petition does not *directly relate* how the invention is directed to more efficient utilization and conservation of energy resources. A general statement requesting the application be made special on the basis of energy savings is inadequate to establish for the record that the invention

contributes to the discovery or development of energy resources or provides more efficient utilization and conservation of energy resources.

Any request for reconsideration must be filed within TWO MONTHS of the date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Should petitioner desire reconsideration, he should supplement this petition by a declaration or statement giving the information as outlined above. Applicants should promptly submit a renewed petition to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. The envelope should indicate that the correspondence be brought to the attention of Technology Center 3600.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

SUMMARY: Petitions To Make Special are **DISMISSED**

Randolph A. Reese
Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(703) 308-2121

RAR/vdb: 6/3/04